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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,432	08/01/2003	Vincent J. Zimmer	INTEL/16808	4540
<div>34431      7590      10/31/2007 HANLEY, FLIGHT &amp; ZIMMERMAN, LLC 150 S. WACKER DRIVE SUITE 2100 CHICAGO, IL 60606</div>				
			EXAMINER PATEL, HETUL B	
			ART UNIT 2186	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/633,432

**Applicant(s)**

ZIMMER ET AL.

**Examiner**

Hetul Patel

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-28, 30-43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-28, 30-43 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is responsive to communication filed on October 19, 2007. This amendment has been entered and carefully considered. Claims 1, 16 and 31 are amended; claims 14, 29 and 44 are cancelled; and none of the claims are newly added. Therefore, claims 1-13, 15-28, 30-43 and 45 are currently pending in this application.
2. Applicant's arguments filed on October 19, 2007 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-13, 15-28, 30-43 and 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Each of the independent claims 1, 16 and 31 now include the limitation "the value in the main memory is verified as identifying the temporary memory by determining if the value is *greater than a bottom of the temporary memory and is less than a top of the temporary memory*" (Emphasis added). It is unclear how the temporary memory can be identified

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by determining if the value is *greater than a bottom of the temporary memory* and is *less than a top of the temporary memory* because that covers everything other than the temporary memory area. The paragraph [0040] on page 10 of the specification recites, "...determines if the pointer entry is pointing at a location within the temporary memory heap 308 of FIG. 3 (block 508). One possible implementation may be to check if the pointer value is *greater than or equal to the value of the top of heap temporary memory location 310 of FIG. 3* and the pointer value is *less than the value of the bottom of heap temporary memory 312 of FIG. 3*.", which is opposite than what is currently claimed in the pending claims. Claims 2-13, 15, 17-28, 30, 32-43 and 45 are also rejected for the same reasons as above as they also incorporate the deficiency of independent claims.

Corrective action is required, although new matter not supported by the original disclosure may not be introduced.

NOTE: For purpose of examination, Examiner interpreting this limitation as "the value in the main memory is verified as identifying the temporary memory by determining if the value is *greater than a top of the temporary memory* and is *less than a bottom of the temporary memory*".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-13, 15-28, 30-43 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Zimmer et al. (USPN: 2004/0103272) hereinafter, Zimmer.

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claims 1 and 10-13, Zimmer teaches a method of migrating storage from a temporary memory location in a temporary memory (i.e. the data cache 18 in Fig. 1) to a main memory location in a main memory (i.e. the system memory 25 in Fig. 2), the method comprising: copying content from the temporary memory location to the main memory location (i.e. upon system memory initialization, the content of data cache is copied to the system memory; see paragraph [0020]). The further limitations of, calculating a migration factor between the temporary memory location and the main memory location; and modifying a value in the main memory that identifies the temporary memory location to identify the main memory location, are inherently embedded in the method taught by Zimmer because without performing calculating and

modifying steps, there is no way to copy the content (i.e. the stack and heap data) of the data cache to the main/system memory (e.g. see Paragraph [0020] and Figs. 1-2). In other words, after copying the content of the data cache to the main/system memory, the migration factor (i.e. the difference between the location in the data cache and in the system/main memory, and vice versa) has to be calculated; and copied data (i.e. heap and stack data) has to be read/written from the system memory since the data cache is unlocked and may be flushed.

Furthermore, Zimmer also discloses about verifying the value in the main memory as identifying the temporary memory by determining if the value is greater than a top of the temporary memory and is less than a bottom of the temporary memory (i.e. moving the data from the temporary/cache memory into the main memory includes identifying the temporary/cache memory because it reads data from the temporary memory within the limits as claimed).

As per claims 2 and 3, Zimmer teaches the claimed invention as described above and furthermore, Zimmer teaches that the content comprises stack and heap data (e.g. see Paragraph [0015] and paragraph [0018], lines 1-2).

As per claim 4, Zimmer teaches the claimed invention as described above and furthermore, Zimmer teaches that the temporary memory comprises a cache memory (i.e. the data cache 18 in Fig. 1).

As per claims 5-6 and 8, Zimmer teaches the claimed invention as described above and furthermore, Zimmer teaches that upon initialization of the system memory, the content of the data cache is copied to the system memory; and the data cache is

unlocked for general purpose use (e.g. see paragraph [0020] and block 40 in Fig. 3), i.e. the “dirty” data in the data cache is sent to the system/main memory, in other words, the temporary memory/data cache is flushed/cleared (or placed in eviction mode) by copying data from the it to the system memory as claimed.

As per claim 7, Zimmer teaches the claimed invention as described above and furthermore, Zimmer teaches that the cache memory comprises one of (i) an L1 cache memory, and (ii) an L2 cache memory (i.e. the on-board processor cache, 16 and 18 in Fig. 1) (e.g. see paragraph [0012]).

As per claim 9, Zimmer teaches the claimed invention as described above and furthermore, Zimmer teaches that the main memory (i.e. the system memory 25 in Fig. 2) comprises a random access memory (i.e. one of RAM, SDRAM, DDR, RDRAM) (e.g. see paragraph [0019]).

As per claim 15, Zimmer teaches the claimed invention as described above and furthermore, Zimmer teaches that the copying of content from the temporary memory location to the main memory occurs during pre-boot (i.e. during power-on or system reset) (e.g. see Paragraphs [0012]-[0013] and blocks 28-34 in Fig. 3).

As per claims 16-28 and 30, see arguments with respect to the rejection of claims 1-13 and 15, respectively. Claims 16-28 and 30 are also rejected based on the same rationale as the rejection of claims 1-13 and 15, respectively.

As per claims 31-43 and 45, see arguments with respect to the rejection of claims 1-13 and 15, respectively. Claims 31-43 and 45 are also rejected based on the same rationale as the rejection of claims 1-13 and 15, respectively.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hetul Patel whose telephone number is 571-272-4184. The examiner can normally be reached on 8:00 - 5:30.

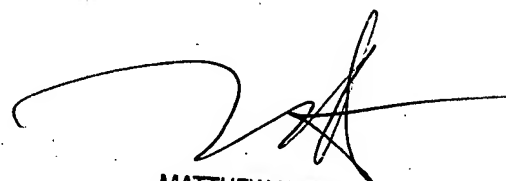
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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